
THE
OBSERVATIONS
ON THE
TREATY
OF
SEVILLE
EXAMINED.

PROTESTANT

TRINITY

THE NEW

EDITION

OF

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RESERVATIONS

ON THE

TREATY

OF

1846

BY A. M. D.

AND D. W.

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I SHALL not treat the *cholerick Author* of these *Observations* so ill as he deserves to be used; but let him not mistake my Meaning; I am one of that Number of *Britons*, who bear him no *Esteem* in the midst of his *imaginary Success*; nor entertain the least *Fear* of him, in the midst of his *real Power*.

The *Lenity* I shall exercise proceeds from pure *Contempt*. What other Sentiment can *He* create, who sends an empty *Declamation* into the World, (for such I shall instantly prove it to be, in all its Parts) only to shew us what we knew before; that he *blusters* most when he is most *afraid*; and that if his *Enemies* intend to *turn his Head*, they are in a very fair Way of succeeding?

This

This Manner of *Treatment* of him will, I am sure, be approved by *those Two Gentlemen* in particular, against whom he is thought more immediately to direct his *Billingsgate* Dialect. As they may defy him to maintain what he has the Front to assert, they have a Right to despise his *Invective*. *This Weapon* rarely does Hurt to any but Those, who wield it; and surely if ever it is blunt and harmless, it must be so in the Hands of *One*, to whom Honours have not been able to communicate Dignity, nor Power Authority; to whom long Habits at Court have not been able to give so much as the Manners of a Gentleman, nor long Experience in Business the Knowledge of a Minister.

Leaving him therefore to wallow in that Mire, from which he can never be washed, I proceed to the Examination of his last notable Performance; in which I shall have the less to do, because the Author of *the short View of the State of Affairs* hath anticipated many Things, which I should otherwise have been obliged to mention; and to that *Treatise* I take the Liberty of referring Those, who are desirous to enter into a more minute Detail than I shall trouble the Publick with at this Time.

The first Thing, which strikes me, is the Difficulty of guessing for *whom* a great Part of this Pamphlet, which I examine, was written. I may venture to pronounce, that it could not be written for the Publick; nor indeed for any one Person who regards the Publick enough to hearken to it, and to be informed by it.

This Author hath been accustomed very much to flatter himself, by the Favours, which *Fortune* hath bestow'd, in her Wantonness, upon him; and yet he could hardly hope to persuade the Generality of Men, that the Point laboured the last Year by *Those*, who oppose him, (and who, for that very Reason, have the Publick on their Side) was to furnish SPAIN with Arguments to justify seizing and detaining the South Sea Company's

ny's Effects and the Depredations upon our Merchants in the West Indies. He could hardly hope This, because he knew that the Publick was daily a Witness to the loud Complains, made by these Persons, of the *Seizures, Detensions and Depredations* which our Merchants suffered, without being defended, or having the Means of doing themselves Justice put into their Hands. The *Papers*, writ on this Side of the Question, are still in the Hands of every one; and he, who can read, may see, in flat Contradiction to this *modest Person*, that his *Adversaries*, who wished that *Britain* had been kept out of new and unnecessary Broils, were equally zealous, that she should extricate herself by *such Means* as became a powerful and a warlike Nation. Very far from furnishing *Arguments* to justify the Proceedings of the *Spaniards* against us, They, and They alone, were desirous and even pressing that the *Spaniards* might be obliged by Force of Arms (the only Way which could then be taken) to acknowledge the Injustice of their Proceedings; to make ample and certain Reparation; and to sue for Peace.

The Publick knows extreamly well, if *this Writer* does not, how to distinguish between those Advantages, which the Blunders of one Ministry may give to another in *Negotiation*, and those just Reasons, for which alone it is lawful for one Nation to commence a War with another.

Again; is it possible *this Author* could hope to persuade Mankind, without the least colour of Proof, that Those, who write against him, omitted no *Arguments* which might provoke or encourage the King of Prussia to a Rupture? This he charges directly and positively upon them, as well as the suggesting to the King's Allies, that they were not obliged to take part in this Quarrel, nor were it all concern'd in the Consequences of it.

As provoking as this Charge is, it is at the same time silly, and in the Nature of Things so void of the faint.

faintest Probability, that I should ask the Reader's Pardon for dwelling in the least upon it, if it did not give me an Occasion to take Notice of something else, which cannot be inculcated too often.

I know of no Man among *this Author's Adversaries* (that is, the *Publick*) who gives himself any Concern about these *Northern Quarrels*; except That, which arises from an Apprehension that *Great Britain* may be concerned in them, by Virtue of some of those *innumerable Treaties and Guaranties*, into which we have enter'd within a few Years; or by some new Device of those *profound Statesmen* who have been the principal Authors of these Engagements. Far from apprehending that they should be driven from the Congress at Soissons; far from resolving to take Refuge in that at Brunswick; I dare assure this *Observer*, that the *Publick* knew well enough in whose Closet the Scene of Negotiation was laid, and never expected that any Thing, which deserved Attention, would be transacted at Soissons. I dare likewise assure him that the same *Publick* is as little *alerte* (to use his own Words) about what passes at Brunswick; where nothing perhaps may be done, and where most certainly nothing ought to come under Debate, which hath any Relation to *Great Britain*; so false is it that any Persons here have encouraged *Foreign Powers to invade his Majesty's German Dominions*, or have excited the neighbouring Princes to oppress a People merely because they acknowledge the same Sovereign that we do. Such a Design would be so abominably flagitious, that I should suspect no Man to be capable of forming it, if I did not meet, in *this Writer*, with one who is capable of supposing it, and of a Crime, almost as great as the Design it self; that of charging it on *innocent Men*.

But I can readily agree that the *Publick* may have been told, and that the *Publick* may think (and doubtless with the strongest Reason imaginable) that nothing could be more melancholy than to see a new War break out, or to be brought even into Danger of it, upon

on *such Motives* as have appeared to make the King of Prussia assemble his Army last Year, and to continue his Preparations still; and such as gave our Monarch so glorious an *Opportunity of shewing his own personal Resolution*. I can agree that the same Persons may be apt to think and call it an insufferable Grievance, if Great Britain is engaged in such a Quarrel; and if those Swords, which rested peaceably in their Scabbards, whilst our Merchants were plundered, and our Nation insulted by the *Spaniards*, should be drawn for the Sake of a few Cartloads of *Hay*, or for some *irregular Practices in lifting or detaining a few sorry Peasants*. Nay I can agree that this will be thought and called a Grievance, even if more important, but hitherto unavowed Motives, such as Family Disputes about *Wills* and *Legacies*, or *Electoral* Disputes about the Execution of *Imperial Commissions* shall hereafter appear to have been the real Motives of such a Quarrel; and when I have agreed all this, which is all that can be agreed with a due Regard to Truth, let our smart *Observer* make his most of it.

The People of *Hanover* are our Friends; they are *Protestants*; they are Subjects of the same Prince. In all these Respects, far from having that ignoble and wicked Sentiment of *repining at their Quiet*, we ought to wish for their Prosperity; but then they can have no particular Title, in the last of these Respects, to claim our *Succour* and *Defence*, even when they are actually invaded; much less to expect that we should maintain a *Standing Army* in *Germany* for their Security.

We know very well in what *Way of Thinking* the last, as well as the present *Parliament*, have declared themselves to be upon this Subject; and the Engagement to stand by and support his late Majesty against all *Insults and Attacks* that any Prince or Power, in *Resentment* of the *unjust Measures* which his Majesty hath so wisely taken, shall make on any of his Majesty's *Territories or Dominions*, though not belonging to the *Crown of Great Britain*. I say,

this Engagement speaks their Sense in very intelligible Terms; but must every Quarrel, which arises in *Germany*, be out of Hatred to the *Hanover Treaty*? Can such Motives and Occasions of a War, as I have mention'd above, be said to arise from a Resentment of the Measures taken at that time by his late Majesty, or to be included within *this Engagement*? If they are said to be so, and if this be once pronounced by that *Voice of Parliament*, which must determine us all, it will certainly be apprehended to follow, that there never can happen any Disturbance in *Lower Saxony*, by which we must not be alarm'd, nor any War there, wherein we must not be engag'd. I leave it to the World to judge, if that ever comes to be our Case, what Advantage we may expect to reap from the Situation of our Country as an Island, or from the present happy Establishment of our Government.

In the mean time let us hope for better Things, and look on every Man, who labours, (however artfully and insensibly) to introduce the Notion, that we are under any other Obligations of protecting his Majesty's *German Dominions*, than we are under of protecting any other State (I mean Obligations of general Interest, and particular Compact) as a Man who betrays one of the most essential Rights of the *British Nation*, and which we hold by the same Tenure as his Majesty holds his Crown; the same Act of Parliament which established the Succession in the *House of Hanover*, having enacted, *That in Case the Crown and Imperial Dignity of this Realm shall hereafter come to any Person, not being a Native of this Kingdom of England, this Nation shall not be obliged to engage in any War, for the Defence of any Dominions or Territories which do not belong to the Crown of England, without the Consent of Parliament.*

Since *this Writer* could not hope to impose on the *Publick*, in the Points I have mentioned, it is vain to guess for whom these *Parts* of his elaborate Work were designed.

Shall we say, that he meant nothing more than to indulge himself in a Fit of *Railing*? Or shall we refine enough to imagine that he might think it requisite to set some glaring Examples of Constructions by *Innuendo*, and to renew, if possible, the Method of condemning Men, *not for what they write*, but for what others affirm that they *meant to write*? He hoped, perhaps, to establish that scandalous Practice, for such it is, of accusing Those, who are Enemies to *Ministers*, as Enemies to the *Crown*, and of representing all Opposition to their *Measures*, as an Opposition to the *Measures of the King*; than which there cannot be, at all times, a greater Injustice to the *Subjects*, nor, for the most Part, a more insolent Reflection on *Majesty*. It would not be strange, if he flatter'd himself that he might succeed in these, and some other noble Designs of the same kind. Could he do so, he would carry a great Point indeed. Such Expedients would answer all the Ends of a *legal Restrstraint on the Liberty of the Press*; that favourite Project, which hath been so much laboured, both last Year and this, in *Private*; which seems, next to a *Bill of Indemnity*, the best Security for *himself* and *his Family*; and which he may not think it adviseable yet awhile to propose in *Publick*.

But whatever his *Views* may be, let us proceed in our Remarks on his *Observations*.

It is not worth while to take much Notice of what he says concerning the Communication of the Contents of the Treaty of Seville to the *Directors* of the *South-Sea Company*, before the rest of the Nation; we shall be able to judge whether *these Persons* shewed themselves *better Courtiers* or *better Merchants*, in the Approbation, which they gave, by the Time we have gone through the Task we have set ourselves.

I hasten to the great *Variation* made, by the 9th and following Articles of *this Treaty*, from what was settled by the *Quadruple Alliance*; over all which he hath

thrown the thinnest Veil that was ever wrought in any ministerial Loom. A bare Exposition of some few Facts will suffice to set the whole Merits of the Cause in a very clear Light; and these shall be such Facts as it was unpardonable in him not to know, or knowing, to conceal; so that he hath but a bad Choice left him to make between Ignorance and Unfairness.

I shall say nothing of the Faults, which he insinuates may be justly found with the *Quadruple Alliance*, more than this; that it little becomes Him to find fault with any Treaty; and that the *Quadruple Alliance* will have very different Faces, when it appears by itself, and when it is considered as a Consequence of the 2d Article of the Treaty between his late Majesty and the Emperor, of the 25th of May, 1716; to which Treaty, I believe, he will find the Subscriptions of some of his Acquaintance. But let this be passed over for the present.

In the 5th Article of the *Quadruple Alliance*, Great Britain and France took upon them to declare, in Conjunction with the Emperor, that the States or Dutchies possessed at present by the Great Duke of Tuscany, and by the Duke of Parma and Placentia, should be acknowledged for the Future, and to all Perpetuity, by the contracting Parties, to be Masculine Fiefs of the Empire. It was necessary to assume this Right, in order to dispose of them afterwards. How just, or how politick this might be, it is no present Business of mine to enquire.

The Article goes on, and the Emperor promises, as Head of the Empire, that when the Succession to the said Dutchies shall be open, for want of Heirs Male of the Families of Medicis and Farnese, the Succession of Don Carlos shall take Place, and the Entail there specified shall commence. After which, several Stipulations follow, which are plainly directed more, if possible, to secure the Rights of the Emperor and Empire, than the Pretensions of Don Carlos. Among other Conditions, it is not only stipulated negatively, that during the Lives of

the present Possessors, or their Male Successors, neither the Emperor, nor the Kings of France and Spain, nor the Prince design'd for this Succession, shall ever introduce any Soldiers of what Nation soever, of their own Troops, or of others in their Pay, into the Countries and Lands of the said Dutchies, or establish Garrisons in the Towns, Ports, Castles, and Fortresses situated therein; but it is likewise stipulated positively, that the Swiss Cantons shall put 6000 Men in Garrison at Leghorn, Porto-ferraio, Parma and Placentia.

For what End now are all these Precautions taken? If we will believe the *Observer*, they are only taken to secure the eventual Succession of *Don Carlos*; and upon that Principle he argues, that since the Emperor has engaged to make good this Succession, he can have no Reason to oppose a *Variation*, which tends to render that Engagement more effectual, and this without any Diminution of his Dignity, Rights or Possessions. But here lies the Fallacy. They are not taken only to secure the eventual Succession of *Don Carlos*, but they are taken as well to secure *la féodalité établie sur les dites Etats en faveur de l'Empereur et de l'Empire*. That is, The Rights of Sovereignty establish'd in the Emperor and Empire over these States, as over the Fiefs of the Empire. Spanish Troops, no doubt, are very proper to one of these Purposes, and Imperial Troops would be just as proper to the other; but neither of them can be said to be proper for both; and therefore it was provided, that neither of them should be trusted to garrison the Places abovementioned, but that neutral Troops should be employ'd; against whom no Party could object.

In Pursuance of his Engagements taken in the *Quadruple Alliance*, the Emperor having obtained the Consent of the Empire, grants the *expectative Letters* of the eventual Investiture in Favour of *Don Carlos*. But how does he grant them? Absolutely? By no means. He grants them in Conformity to the whole Fifth Article of the *Quadruple Alliance*, and not otherwise; in conformi-

tate

sate pramemorati integri Articuli quinti, & non aliter. He makes the Observation of this whole Fifth Article a Condition, *sine qua non*, and declares, that if it be not observed, neither He nor the *Empire* will, or can be bound, *ad permittendam nominatorum Ducatum & Statuum possessionem teneri, nec velle nec posse.*

In this Manner were the Rights of the *Emperor* and *Empire*, and the Succession of *Don Carlos* settled and confirmed. Upon this Foot they have remained ever since; and whatever Desire the Court of *Spain* may have had to make Alterations in this Establishment, yet we may see that the Court of *Vienna* hath been determined to admit of none. But I am justified in saying, that what the *Spaniards* could not obtain of the *Emperor* (even at a Time when they made with him an Alliance he had so much Reason to be fond of making with them) they have obtained of *Us* and *France*, without the Consent of the *Emperor* and *Empire*. By the Plenitude of our Power, we erected *Tuscany*, *Parma* and *Placentia* into Imperial Fiefs. I say we erected; because many strong, and perhaps some unanswerable Reasons are urged to shew, that they are not *such* in themselves. Now we have, by the same Plenitude of Power, given the whole Security, and a kind of Independency to the *Vassal*, and taken away from the *Lord* the Advantage of that Expedient, which effectually provided for the Performance of the Conditions he had exacted, without putting it in his Power to evade the Engagements he had taken.

Will not the Question turn very strong against *Those*, who ask Why the *Emperor* should take Offence at this Variation, if he intended to make effectual his Engagement in Favour of *Don Carlos*? Will it not be asked, Why this Variation has been made, if nothing more is privately stipulated in *Treaties*, or *separate Articles*, than what hath been already agreed to, and if the Court of *Spain* intends to make effectual the Engagements on their Part, and on the Part of the *Infanto*?

To say, as the *Observer* says, that this *Variation* cannot justify, in Reason and good Sense, his Imperial Majesty's not consenting to it, unless he can shew that he may be prejudiced by this *Alteration*, is a plain Concession, that if his Imperial Majesty can shew this, then the *Variation* will justify his not consenting to it. Now this Concession gives up the whole Cause; though the dogmatical Gentleman hath so little Knowledge or Reason, and good Sense, that He did not perceive it; for nothing is more obvious, than that the *Emperor*, and *Empire* too, may shew that They are prejudic'd by the *Alteration*; unless We will say what I believe no Man in the World (except this *Writer*, and a near Relation of his) is capable of saying; that when a mutual Security is given and accepted by two Parties, for making good a Bargain, this Security may be taken from one of the Parties against his Consent, and the Benefit of it be wholly applied to the other, and yet no Prejudice be done to the former.

But, perhaps, to the Sense of this Injury (for such it will be called) the Remembrance of another may be added in the Councils of *Vienna*; and the Prejudice done to the Rights of the *Emperor* and *Empire*, by the Treaty of *Seville*, may be aggravated by recalling the Prejudice done to these Rights, by the same contracting Powers, in a Treaty of *Defensive Alliance* made at *Madrid* in 1721. *Great Britain* and *France* were then the Mediators between his Imperial Majesty and the *Catholick King*. The *Quadruple Alliance* was the Ground-work of the Negotiations of *Cambray*; and yet these Mediators privately took Engagements to support the Duke of *Parma*, by granting Him a particular Protection; although the Demands of This Duke made one of the principal Differences, upon which They were to mediate; and altho' the very first Article of these Demands declares the *Dutchies* of *Parma* and *Placentia* to hold of the Pope, in as expresse Terms as the fifth Article of the *Quadruple Alliance* had declared them to be masculine Fiefs of the *Empire*. This Conduct of ours towards the *Emperor*,
may

may very probably be compar'd with That, which We have held towards *France*, without whose Concurrence We would not so much as continue our *Meditation*; though every Man, except the *British Minister* at *Paris*, knew that even *France*, in that critical Conjunction, could not complain of it, and that We had the fairest Opportunity imaginable opened to us of acting, with Honour and Advantage, the very same Part between *France* and *Spain*, which *France* hath acted, with so much Honour and Advantage, since that Time between *Spain* and us.

But farther. Besides these Considerations of *Injury* or *Prejudice*, which I have mention'd, may not the *Imperial Ministers* take another *Alarm*, and may not That determine them, at any *Risque*, to oppose the Introduction of *Spanish Troops* into *Italy*? We all know how precious the Possessions in *Italy* are to the *Imperialists*; how much the Point, to which They are arrived in that Country, of Dominion, Power, and Influence, hath been always the chief Object of their Policy. One may say securely, that They sacrificed the *common Cause* to this private Principle in 1707. They would have done the same in any other Campaign; and They seem'd to have no other Business in the War. Now will it be at all strange, if They look on the *Variation* made in the *Quadruple Alliance*, as a Measure taken to give them a *Rival* in that Country, where they are at present indisputably the *superior Power*. Will not these *Garrisons of Spaniards*, pretended to be placed there for the Security of the *eventual Succession* of *Don Carlos*, make them look on *Parma*, *Placentia*, *Portoferrajo*, and *Leghorn* as so many Places of Arms, put into the Hands of an old Enemy, an *unfaithful Ally*, and a certain *Rival*? May They not apprehend, that neither *Pretences* nor *Means* will be wanting, if the Treaty of *Seville* hath its Effect, to introduce greater Numbers of *Spanish*, and even *French Troops* into the Heart of *Italy*, and to serve the *Emperor*, as *Ferdinand* the *Cathe*

Lick served Lewis the Twelfth, in Consequence of the silly Partition, to which the latter consented?

These Things are all so obvious, that it will be ridiculous to say (and yet very probably it will be said) that the bare Mention of them is a Suggestion, by which the *Councils at Vienna may be influenced*. But to proceed, without any Regard to so stupid a Reflection; suppose these Councils should determine to oppose the Introduction of the *Spanish Garrisons*, which are to preserve the *immediate Succession of Don Carlos*; (a very suspicious Term, by the Way, when applied to a Succession hitherto called *Eventual*, and certainly in its Nature *Contingent*) what a *solid, lasting Peace* will our *Ministers* then have obtain'd for us? If the *Emperor* be as powerful in *Italy*, as the Pamphlet I am answering represents him to be, certain it is that we shall be plunged into the greatest Difficulties. What a *Scene* have we gone through? What a *Conclusion* of it are we likely to make? About twelve Years ago, we broke with *Spain*, in Favour of the *Emperor*. About four Years ago, we broke with the *Emperor* and *Spain* both. Now we are in Danger of breaking with the *Emperor*, in Favour of *Spain*.

Thus are the Changes in Politicks perpetually rung by Men, who assure us that they are extremely wise, and that their Measures are extremely steady.

I said just now that in the Case of a Breach with the *Emperor*, in Consequence of the *Treaty of Seville*, we shall be plunged into the greatest Difficulties. I think it necessary to explain my Meaning, that it may the better appear whether any Minister would have deserved the severest Punishment, who should have advised the King to have deferred, for one Month only, the Accommodation of our Differences with the Court of Spain for the sake of this Alteration.

The Author of the *Short View of the State of Affairs* observes extremely well, that though a Peace with Spain may be more advantageous to a trading Nation than a Peace with the Emperor; yet a War with the Emperor would be, for the same Reason, more burthensome and impracticable to a Maritime Power, than a War with Spain. Allow me to push the latter Part of this Observation a little farther.

Such a War as we have lately had with Spain, in which all the Blows were received and none given; in which, the Instructions and Practice, on one side, were to attack, kill, destroy, plunder; and, on the other, to persuade, to expostulate, to bear, (such a War, as I defy this Observer, with the Assistance of all his learned Friends, to find an Example of in the whole Extent of antient and modern History) is to be forgot, if possible, and surely not to be supposed. But such a War, as we are able to make on Spain, whenever we please to employ our natural, our Maritime Force, can neither be burthensome nor difficult. It will always be in our Power to make the Enemy do more than pay the Charges of it, to revenge our Wrongs, and to assert our Rights; But a War with the Emperor, in our present Circumstances must be a dreadful Object in the sight of every Man who carries his Views beyond the mean and wicked Point of serving a present Turn.

For, First,

In the former Case, we should employ our natural Strength, and our natural born Subjects. The very Progress of the War would increase our own Strength, and the Expences of it would enrich our own People. Whereas, in the latter Case, we must employ an unnatural Strength, and foreign Troops. We must make a War on the Continent; in which our Maritime Force will remain unexerted, and the Expences of which will be swallowed up in that bottomless Gulph, where we have already thrown so immense a Treasure. Secondly;

In the former Case, we should have Reason to hope for great *Advantages to our selves*, and no Reason to apprehend the Success of *our Allies*. Whereas, in the latter Case, if any *Advantages* are gain'd, they must be gain'd to *others*. None can possibly accrue to *us*; and if the Success of the *French* against the *Emperor* should be considerable, as it would be of course, (especially when we opened their Way into the very Heart of *Germany*) we must be reduced to see the Labour of so many Years destroyed, so many Millions spent in vain, and have nothing left but the distant Hopes of another *Marlborough* and another *Hochstedt*.

If the whole Weight of National Vengeance is ever to fall, it ought surely to crush *Those*, who precipitate their Country, by a long Series of Blunders and Mistakes, into such a terrible *Dilemma*, that we cannot observe our *Treaties*, without being exposed to fight against our *general Interests*, and without finding, whenever we return to them, that the *Weakness of our Allies*, and the *Strength of our Enemies* are the Works of our own Hands.

But the *Observer* will say, perhaps, (or some Hiring Scribler will say for him) that we are brought into no Danger of a War with the *Emperor*; that our *wise Ministers* have a Reserve still in their Power, and can make a *Peace* with his *Imperial Majesty*, whenever they please; That to effect it, nothing more will be necessary, than to give our *Guaranty* to the Disposition, whatever it be, which his *Imperial Majesty* hath made, or shall make, of the *Austrian Dominions*.

Such an *Expedient* as this would, I doubt not, be soon passed (if the immediate Danger of a War pressed upon us) by *Those*, who think of nothing more than how to get over, by *annual Expedients*, the *annual Difficulties* they bring themselves under, without any Regard to the continual Charge and frequent Losses, which the Nation is obliged to support, by their Management; or to the

the dangerous Consequences of *their Measures*. But Men, who think on wiser and honeſter Principles, would look on ſuch a *Guaranty* as a Method of Cure very little preferable to the Diſeaſe it ſelf.

His *Imperial Maſteſty* hath indeed given his *Guaranty* to the Succeſſion of our Crown, eſtabliſh'd in the preſent Royal Family; but there would be no Parity between ſuch a *Guaranty* as *This*, and the *Guaranty* of a *Succeſſion*, the Nature of which may be known by the *pragmatical Sanctions*; but the Deſcent of which into any particular Family cannot be foreſeen.

Who could answer, in this Caſe, that we might not give our *Guaranty* even to the aggrandizing of *Don Carlos*, which is an Event our *Politicians* have expreſſed their Apprehenſions of in the ſtrongeſt Terms; although they ſeem at preſent a little better reconciled to it?

Who could foreſee the numberleſs Miſchiefs, of which ſuch a Diſpoſition of the *Auſtrian Dominions* might be productive, if his *Imperial Maſteſty* ſhould die without *Issue Male*? What Claiſhing of Interests might there not be, even in the *Imperial Family*, as well as in every Part of the *Empire*? To get clear of a War with *Spain*, we expoſe our ſelves to a War, which may commence in *Italy*, and ſpread much farther. By the *Expedient*, now ſuppoſed, we might get clear of an immediate War in *Italy*; but we ſhould ſtand in Danger of being involved, a little ſooner, or a little later, in a War, which may diſtract *Germany* as much, and laſt as long as that of 1618, and kindle its Fires over all *Europe*.

But that we may ſhew all the Complaiſance poſſible to the *Observer* and his *Associates* in our Examination of the Conſequences of their boated *Treaty*; let us allow him to ſay, in this Caſe, as he very often does to others, the direſt contrary of what has been aſſerted by

him. He talks of the Grandeur of the *Emperor*; and the Strength of the *Imperial Forces* in *Italy*. Let us take the *contrary* of this for granted. Let us suppose the Introduction and Establishment of the *Spaniards* in *Italy* to be made with so superior a Power, that the *Emperor* and *Princes* concerned are forced to submit upon *our Terms*, instead of making their *own*; will the Difficulties be all removed? Will all the Inconveniencies to *Great Britain*, with which *this Treaty* may be attended, vanish away? They certainly will not. Our Measures are so *wisely* taken, that the easiest and shortest Manner of effectuating them is likewise the easiest and shortest Way to render the *little* we have stipulated for our selves precarious.

It has been objected, with good Reason, to the *Quadruple Alliance*, that we made a *Bubble's Bargain*, when we put *Sicily*, and all that the *Emperor* had to expect from our Friendship, into his Hands *immediately*; although the reciprocal Part, to be perform'd by Him, was to be a *Work of Time*; and although we had not received Satisfaction from him in *some Points*, about which we were extremely solicitous.

Now the *Treaty of Seville* appears to me to make a Bargain of the same kind; with some Difference however to the Disadvantage of *This lately concluded*. When we made and executed the *Quadruple Alliance*, we had not received Satisfaction from the *Emperor* about the Investitures of *Bremen* and *Verden*, which I presume are not granted even to this Day; That is, we had not secured a *Point*, which has no Regard to our national Interest; at least, no favourable Regard to it, how much soever it may have cost the Nation. But if we are able, according to the Terms of the *Treaty of Seville*, to effectuate, without loss of Time, the introducing of *Spanish Garrisons* into *Leghorn*, *Portoferraio*, *Parma* and *Placentia*, we may chance very soon to find the Apprehensions, lest *this* so long look'd for Peace should have left our foreign Acquisitions in an uncertain
and

and precarious Condition, better founded than *Those Gentlemen* wish them to be, whose Apprehensions are the Subject of this *trifling Author's* Ridicule. We may very soon find the Reparation promis'd to our *Merchants* evaded, and all our Privileges and Rights of *Commerce* once more violated; That is, we may find that the most immediate and essential Interests of the *British Nation* are not secured by the Terms of the *Treaty*, and are even put into Danger by the *Execution* of it.

We are told, that as the *first Article* renews and confirms all former *Treaties* and *Conventions*, in the same manner as if they were actually inserted Word for Word in this; It is evident that we have here a very full Acknowledgment on the Part of *Spain* of our Right to *Gibraltar*, and the *Island of Minorca*. But it seems that this is not all. The Care of our *Ministers* about this important Point hath been still more extensive and exact. The second Article goes still farther, and by it the *King of Spain* himself gives his Majesty his *Guaranty* for all his *Kingdoms, States and Dominions*, and consequently for the Possession of these very Places.

There is, in this whole Paragraph, such a Mixture of *Assurance, Ignorance, and Levity*, as cannot I think, be match'd in any of the *Writers*, even of that Side.

Has it not been shewn, that the Court of *Spain* acquir'd, in 1721, what they call a *Right*, and what we must allow to be a *Pretext* (though we shall insist that it is not a *valid one*) to demand the *Restitution of Gibraltar*? Has it not been demonstrated that this *Pretension* is supported by one of the *Private Treaties* made at *Madrid*, in the same Year; that it is revived even by the *Preliminaries*, and manifestly included in the *Act of the Pardo*, explanatory of these *Preliminaries*? All this has been urg'd over and over. It has not been answer'd; and this *Author* is defied to answer it. With what Fate then (except his own) can he be

be declared evident that we have, by the *first Article* of the *Treaty of Seville*, a full *Acknowledgment on the Part of Spain*, of our *Right to Gibraltar*, and the *Island of Minorca*? Let him learn, that we have not this full *Acknowledgment of our Right*, for the very Reason he gives to prove that we have it; because all former *Treaties and Conventions* are renewed and confirmed.

When *subsequent Treaties and Conventions* derogate, in any Respect, from Those, which preceded them, and they are all renew'd and confirm'd alike, He might, one would imagine, perceive that they must explain one another; and that the former *Treaties and Conventions* are renew'd and confirm'd, subject to the *Alterations* made in them, or to the *Derogations* made from them by the latter and not otherwise.

It is evident therefore that Room is still left to the *Spaniards*, at a proper Time and Place, to chicanery with us again upon our *Right to these foreign Acquisitions*.

Nor will the *Article of Guaranty* be sufficient to redress this Matter; because it is given in Pursuance of the *Treaties*, and the whole Obligation is limited according to the *Treaties*; from whence it follows, that the *Spaniards* may hereafter (and I doubt much they will) contend that though we have the *Possession* still, we have not still the *Right* to these Places, which we acquired by the *Treaty of Utrecht*; that therefore the *Guaranty*, given by the *Treaty of Seville*, cannot be construed to extend to the *Right*, and that it does not so much as mention the *Possession*.

The *Observer* supposes our *Possession* guaranty'd and affirms it secured beyond all Possibility of Doubt or Cavil. How reasonably or ingenuously, let any indifferent Person judge.

In the perpetual *Guaranty* given to Don Carlos and his Successors, by the *twelfth Article* of this *Treaty*, not only

ly the *Right*, but the *Possession*, and even the *quiet Possession* are expressly mention'd. In the *Treaty of Hanover* the *Guaranty* is given, not in general, as in *this Treaty*; but for all *Dominions, Countries and Towns* which each of the *Allies* shall be in the actual *Possession* of, at the *Time of the signing the Alliance*. Had the same *Terms* been made Use of in the *second Article* of the *Treaty of Seville*, the King of *Spain* had certainly guaranty'd to us both *Gibraltar* and the *Island of Minorca*, even without naming them; but these *Terms* are not used in that *Article*. If they were not insisted upon, how will our *Ministers* justify their *Neglect*? If they were insisted upon, how will our *Ministers* justify the *Cordiality and Sincerity* of the *Spanish Court*; or cure the *Apprehensions* entertained in *Britain*?

There is one *Argument* more, which I think unanswerable to *this Writer*, and must put the *Affair of Gibraltar* beyond all *Possibility of Doubt or Cavil*, with Him at least. He will be ready enough, I dare say, to acknowledge the *Treaty of Utrecht* to be deficient in any Particular; and I must agree with him that it is really so, in not stipulating for a proper *District of Ground* round about *Gibraltar*, beyond the *Reach of Cannon Shot*, as is usually granted to *Garrison Towns*. By this *Defect*, the *Spaniards* claim all the *Land*, without the *Town*, up to the very *Walls* of it, as appeared by the *Answer* of the *Conde de las Torres* to our *Governor*, when he made the first *Approaches* to it; and perhaps the *Words* *Terres de leur Obeissance*, in the *Article of Guaranty*, (as extensive as He boasts them to be) may be construed, by the *Spaniards*, so as not to include or comprehend the *Town and Fortress* of *Gibraltar*. It is therefore Somewhat surprizing that so wise a *Minister* should found the *Security* of that *Place* on a *Treaty*, to which he hath made so many *Objections*, and to which all the *World* must allow this *Objection* to be just. One would think that when he was apprized of this *Omission*, by the *Siege* of that *Place*, he would have supplied it in the *late Treaty*, and insisted to have as much *Ground* granted

granted, as is usual to other *Garrison Towns*; since he could not plead *Inadvertency* in his Excuse, as the *Negotiators* of the *Utrecht Treaty* perhaps might; and yet *This*, we see, he has not done, however reasonable and necessary; nay, I have been told it was own'd publicly, by *this Writer* himself, that if we had presumed so much as to mention any Thing, relating to *Gibraltar*, it would have been sufficient to have induced the *Spaniards* to *break off all farther Negotiations*; from whence we may certainly conclude that the *Spaniards*, according to their Judgment and Construction of the *Treaty*, have effectually preserved their *Pretensions* to that *Fortress*.

I hope it has hitherto appear'd that the *Observer* is but a weak Defender of a weak Cause; and I believe the same will appear in our Examination of the same Article, which relates to the Satisfaction our *Merchants* are to expect, as to their *past Losses* and their *future Security*.

That *This* has been sufficiently provided for, he labours to *prove*. The Word is *his own*; and I cannot but observe upon it, how strange an Idea he gives us of *this Treaty*, when he labours to *prove That*, which if it *wants to be proved*, the *Treaty* can be good for nothing; but he repeats, comments and declaims. *Proving* is not his Talent.

I shall not descend, at present, into all our *mercantile* Interests with *Spain*; which deserve, and, I doubt not, will have a Consideration, suitable to the Importance of them, to a Nation, whose Life is *Commerce*, and whose *Merchants* may justly be called the *nursing Fathers* of it.

I shall not detain the Reader, by taking Notice of some very odd and very suspicious Characters, which appear in divers Parts of *this Treaty*; such as for Instance in the *first separate Article*; where, because *Com-*

merce is to be establish'd on the Foot of Treaties and Conventions antecedent to the Year 1725, an *express Declaration* is, for the greater *Exactness*, made of the *Treaties comprehended under that general Denomination*; where, amongst others, the *Treaty of Utrecht* is mention'd, and the *Treaty of 1667*, compried in it; and yet the *Treaty of 1670* is not mention'd, although it is recall'd and confirm'd by the *Treaty of Utrecht*; and although it contains the first and principal Regulations about the *West-India Trade*, made by the Court of *Spain*.

I shall not, I say, dwell, at present, on these and many such Points; but shall take a shorter Way with our *Observer*, and endeavour to *confute* him, by *admitting* almost all he says, where he states the Purport of the several Articles relative to *Trade* and to the Satisfaction stipulated to our *Merchants*.

Supposing the Whole therefore to stand, even according to his own Representation, his Harangue to the *Merchants* will amount to no more than this. "Gentlemen, after having been obliged to acknowledge that your *Ships* and *Effects* have been seized, detained and even confiscated, by the *Spaniards*, in a most unusual and unjustifiable Manner; I present you with the common Provisions, which are made in *ordinary Cases*, for your Satisfaction, as to what is passed, in this very *extraordinary Case*. After having complain'd of the Violation of all your Privileges and Rights of *Commerce*, committed by the *Spaniards*, without any Regard to the most *solemn Treaties* in Force between the two Nations, I offer you, for your *future Security*, the very *same Security*, which hath appeared already to be ineffectual; that is the Renewal and Confirmation of the very *same Treaties*. After having, from a *pacifick Disposition*, and for Fear of widening the Breach, exasperating the *Spaniards*, and disobliging the *French*, suffered you to be insulted, taken and plundered

" dered by the *Former*, during *Four Years*, I have pro-
 " cured for you much the *same Terms*, as might have
 " been procured immediately after the Conclusion of
 " the *Hanover Alliance*, and before you had suffered
 " the Hardships and Losses, to which you have been
 " since exposed. In short, after having felt very se-
 " verely the great Mischiefs, to which we are exposed,
 " by having one valuable Branch of our *Commerce* at
 " the Mercy of the *Spaniards*, I desire your Appro-
 " bation of a *Treaty*, which will put our *Italian Trade*
 " into a Dependance on them likewise." If this ap-
 " pears *ludicrous*, it is no Fault of mine; it is founded on
Truth, and on *Facts* of the most publick Notoriety. I
 may safely appeal to any indifferent Man, whether all,
 that is here said, cannot be said justly on the *Treaty*
 of *Seville*, and whether more than this can be said with
 Justice on the same Foundation,

But now the *Observer* will alledge, that He must
 confess Himself *ignorant*, and therefore may, out of
 his singular Modesty, *challenge the most clear-sighted* of
 his Adversaries, to *shew what other Method could possibly*
have been used, in any particular Instance; or how we
 could, upon the whole, have obtained more secure and
 advantageous Conditions. To which I shall reply, with
 as much Deference as his *profound Politicks* deserves;
 first in *general*,

That if it be necessary to constitute a good *Treaty* of
peace, that the *Conditions* of it be proportioned to the
motives, whether of *Interest* or *Honour*, which occa-
 sion'd the *War*, it is no less necessary, in order to ob-
 tain such a *Peace*, that the Efforts made in a *War* be
 proportioned to the *Nature* of it; that *vigorous Resolu-*
tions be taken, and that a *speedy Execution* of them do
 instantly follow. This was urged from the *Throne*,
 at the Time of our Rupture with *Spain*; and all the
motives, which could incite or provoke, were pressed
 on us. They had their *Effect* in Part. The Parlia-
 ment gave all the *Supplies*, which were ask'd, and as

ample a *Latitude* as any *Ministers* could desire to exert themselves in. *Vigorous Resolutions* were taken; but it must be own'd that the *other Part* of the Effect, which might have been expected from such a Beginning, did not follow.

As soon as the *Treaties* were made, the *Accessions* procured, and the *Army* provided, at the Expence of *Britain*, which were necessary for defending *Lower Saxony*, we seem'd to have no more to do in the *War*; and the *Spaniards* carried it on against us with Impunity. If this *new Method* of making *War* laid us under some Disadvantage in *treating a Peace*; if we have, for this Reason, been able to procure from the *Spaniards* no Reparation for the *Menaces* and *Insults* offer'd to the *Crown* and *Nation*; and if, instead of obliging *Those*, who did the *Injury*, to repair it, we have been content that they should renew *Promises*, which they have often made, and seldom kept; all I need to say in Answer is this; that the *same Persons*, who made this *honourable War*, made this *solid and lasting Peace*. Neither do I believe that Men, who have failed to obtain a good *End*, were ever admitted to excuse themselves by pleading that they had not taken *proper Means*.

But *secondly*, to be more particular in answering this Question, *what other Method could be taken?* There is no Doubt, that our *foreign Acquisitions*, *Gibraltar* and the Island of *Minorca* would have been more effectually secured to us, if they had been specifically mention'd; if all Claim to them had been renounced in express Terms by *Spain*; and if they had been named in the *Guaranty* given to his Majesty for all his *Kingdoms*, *States* and *Dominions*. It were easy to shew, by many Examples, that This hath been the Practice, whenever any *favourable Interest* hath been concerned. But I shall content myself to establish this Truth, without going any farther than the *Treaty of Seville* itself for my Authority. The *second separate Article* stipulates that *all the Ships*, *Mercantile* and *Effects*, there described, shall be immediately restored. The *Prince Frederick* and her Cargo are manifestly

manifestly comprehended in that *Description*; no Man will deny it; and yet our *Ministers* were so scrupulously observant of the Rule I lay down, that, in this Case, they took Care to add to the general Stipulation these Words, *and namely the Prince Frederick and her Cargo*. How it happened that they had not the same scrupulous Regard for our *foreign Acquisitions*, let the *Observer* declare. This Method of securing them would have been effectual, and liable to no Objection from Spain, if that Court designs they should be effectually secured to us. But the Neglect of this Method may tempt the Spaniards to persist, on future Occasions, in demanding what we appear, perhaps, in their Eyes, not a little remiss in securing. Nay, this Neglect may likewise give some Countenance to those scandalous Reports which are not raised here, but which transpire from Abroad, that private Engagements are enter'd into for restoring Gibraltar and the Island of Minorca to the Spaniards at the End of three Years.

As another Method might have been found than That, which hath been taken, for securing our *foreign Acquisitions*; so will it not be hard to shew the *Observer*, in Contempt of his *Desances* and *Challenges*, that a more effectual Method might possibly have been used in Favour of our Merchants than That, which hath been followed. Let him take the Trouble of comparing the Treaty of the 5th of April 1654 between Cromwel and the States General with the Treaty of Seville. By the Former, the Ships and Effects of the English, or the Value of them, were to be restored within fourteen Days after the Arrival of the Owners or their Agents, at the Places where the Ships and Effects had been seized and detained. Arbitrators or Commissaries were indeed to examine and determine upon the several Demands; but then They were to meet at Goldsmith's-Hall in London, by the 27th of June following; They were to be all sworn in the High Court of Admiralty, and unless they agreed before the 1st of August, they were to be shut up without Fire, Candle, Victuals or Drink, till they did agree. Their Decisions were to be final;

final; the Money to be paid in *twenty-five Days* after the Adjudication, and Security to be given beforehand, in *London*, for the *Payment*. *Commissaries* were likewise appointed, by *this Treaty*, to examine Complaints made by the *Merchants*, on both Sides, of mutual Injuries, suffered in all Parts of the World, from the Year 1611 to the Year 1652. This was a much larger Field surely than That, which is opened to the *Commissaries*, appointed to meet at the Court of *Spain*, by the *Treaty of Seville*; and yet, by *Cromwel's Treaty*, these *Commissaries* were to finish in *three Months*, instead of so many *Years*; and if they did not conclude in that Time, a *Neutral Power*, the *Swiss Cantons*, were to determine finally in *six Months* more.

When the *Observer* hath made this Comparison, let him compare the great *Maritime Power* of the *Dutch*, at that Time, with the contemptible Naval Force of the *Spaniards*, in this Age. Let him compare *Cromwel's* Circumstances, and his *Fleets* with *Ours*. In short, let him compare the Reasons *Cromwel* had to complain of the *Dutch*, with Those, which we have sounded so high against the *Spaniards*. When these Comparisons are once made, I doubt the *Observer* will have no Reason to give, which He will be willing to avow, why there is so great a Difference between the Manner, in which this Nation *Treated* and the Satisfaction she obtained, in former Times, and the Manner in which she hath submitted to *Treat* and the Satisfaction she hath accepted, upon the present Occasion.

I thought to have taken some Notice of what he says concerning the *Claim to a Recompence*, which is preserved to the *Spaniards*, for the Ships taken from them in 1718. But on a Review of that Paragraph, I find it so frivolous, and even so little plausible, that I cannot resolve to lengthen this Examination, which is too long already, by shewing that if the *Claim*, which the *Spaniards* had, by Virtue of the *Treaty of 1721*, is now wholly extinguished, because it was the Fault of the *Spaniards* only
that

that those Ships were not put into their Possession; This would have been an extream good Reason for refusing to revive and countenance their Claim; but is a very poor One for consenting to do both.

I think it proper, for certain Reasons, to conclude with telling the *Author* of the *Observations*, that as He hath often found me, and I hope not without Effect, in this Way; so he may depend on receiving the same good Offices from me, till he hath received the just Reward, which is due to Him from the *Publick*; but that I never deal in *Billingsgate*, *Lampoons*, or *Libels*; and that, whenever I am accused of doing so, I am accused falsely.

F I N I S.



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